

AMENDED IN ASSEMBLY APRIL 19, 2007

AMENDED IN ASSEMBLY APRIL 12, 2007

AMENDED IN ASSEMBLY MARCH 26, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 724

Introduced by Assembly Member Benoit

February 22, 2007

An act to add Chapter 4.8 (commencing with Section 50595) to Part 2 of Division 31 of Section 11834.255 to the Health and Safety Code, relating to residential facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 724, as amended, Benoit. Sober living homes.

Existing law provides for the licensure and regulation of various community care facilities by the State Department of Social Services. Existing law also provides for the licensure and regulation by the State Department of Alcohol and Drug Programs of alcoholism and drug abuse recovery and treatment facilities for adults.

This bill would provide that a sober living home, *as defined*, is exempt from licensure ~~if it demonstrates specified characteristics under these provisions. The bill also would provide that a residence housing those purporting to be recovering from drug and alcohol abuse would be presumed to be a sober living home if it has been certified, registered, or approved by a governmental or nonprofit organization that provides a credible quality assurance service for applicants or members.~~

The bill would become operative only if SB 992 is enacted and takes effect on or after January 1, 2008.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11834.255 is added to the Health and
2 Safety Code, to read:
3 11834.255. (a) The purpose of this section is to provide a
4 definition of a “sober living home” so as to give both those
5 purporting to operate these facilities and local code and law
6 enforcement agencies the ability to determine whether residences
7 housing former drug and alcohol abusers and probationers and
8 parolees are exempt from local regulation or exercise of local
9 police powers.
10 (b) For purposes of this chapter, “sober living home” means a
11 residential property that is operated as a cooperative living
12 arrangement to provide an alcohol- and drug-free environment
13 for persons recovering from alcoholism or drug abuse, or both,
14 who seek a living environment in which to remain clean and sober,
15 and that satisfies all of the following requirements:
16 (1) Residents of the facility, including live-in managers,
17 operators, or owners, are recovering from alcohol or drug abuse.
18 (2) Residents actively participate in legitimate programs,
19 including, but not limited to, Alcoholics Anonymous or Narcotics
20 Anonymous programs, and maintain current records of meeting
21 attendance.
22 (3) Owners, managers, operators, and residents observe and
23 promote a zero tolerance policy regarding the consumption or
24 possession of alcohol or controlled substances, except for
25 prescription medications obtained and used under direct medical
26 supervision.
27 (4) Owners, managers, operators, and residents do not provide
28 onsite any of the following services, as they are defined in
29 paragraph (6) of subdivision (a) of Section 10501 of Title 9 of the
30 California Code of Regulations:
31 (A) Detoxification.
32 (B) Educational counseling.
33 (C) Individual or group counseling sessions.
34 (D) Treatment or recovery planning.

1 (5) *The number of residents who are subject to the sex offender*
2 *registration requirements of Section 290 of the Penal Code does*
3 *not exceed the limit set forth in Section 3003.5 of the Penal Code*
4 *and does not violate the distance provisions set forth in Section*
5 *3003 of the Penal Code.*

6 (6) *No resident requires nonmedical care or supervision, as*
7 *those terms are defined in Section 1503.5 and paragraph (3) of*
8 *subdivision (a) of Section 80001 of Title 22 of the California Code*
9 *of Regulations.*

10 (7) *Owners, managers, operators, and residents ensure that the*
11 *property and its use comply with applicable state and local law.*

12 (c) *A residence housing those purporting to be recovering from*
13 *drug and alcohol abuse shall be presumed to be a sober living*
14 *home if the residence has been certified, registered, or approved*
15 *by a recognized governmental or nonprofit organization that*
16 *provides a credible quality assurance service for applicants or*
17 *members.*

18 (d) *A sober living home shall be exempt from licensure under*
19 *Chapter 7.5 (commencing with Section 11834.01).*

20 (e) *A city, county, or city and county may exercise its police*
21 *power to regulate, without restriction, the use and occupancy of*
22 *a single-family residence location in a single-family residential*
23 *zone, that does not meet the definition of any of the following:*

24 (1) *A community care facility licensed pursuant to Chapter 2*
25 *(commencing with Section 1500) of Division 2.*

26 (2) *An alcoholism or drug abuse recovery or treatment facility*
27 *licensed pursuant to Chapter 7.5 (commencing with Section*
28 *11834.01).*

29 (3) *A facility operating under a valid license issued by any other*
30 *state agency or by a federal agency, for residential programs*
31 *intended to be operated in a single-family home.*

32 (4) *A sober living home, as defined in this section.*

33 ~~SECTION 1. Chapter 4.8 (commencing with Section 50595)~~
34 ~~is added to Part 2 of Division 31 of the Health and Safety Code,~~
35 ~~to read:~~

36
37 ~~CHAPTER 4.8. SOBER LIVING HOMES~~
38

39 ~~50595. Nothing in this chapter is intended or shall be construed~~
40 ~~to limit the power of any city, county, or city and county, in the~~

1 exercise of its police power or in the exercise of its power under
2 any other provision of law, to regulate, without restriction, the use
3 and occupancy of a single-family residence location in a
4 single-family residential zone, that does not meet the definition of
5 any of the following:

6 (a) ~~A community care facility licensed pursuant to Chapter 2~~
7 ~~(commencing with Section 1500) of Division 2.~~

8 (b) ~~An alcoholism or drug abuse recovery or treatment facility~~
9 ~~licensed pursuant to Chapter 7.5 (commencing with Section~~
10 ~~11834.01).~~

11 (c) ~~A facility operating under a valid license issued by any other~~
12 ~~state agency or by a federal agency, for residential programs~~
13 ~~intended to be operated in a single-family home.~~

14 (d) ~~A sober living home, as defined in this chapter.~~

15 50596. For purposes of this chapter, “sober living home” means
16 a residential property that is operated as a cooperative living
17 arrangement to provide an alcohol- and drug-free environment for
18 persons recovering from alcoholism or drug abuse, or both, who
19 seek a living environment in which to remain clean and sober. A
20 sober living home shall be exempt from licensure if it demonstrates
21 all of the following characteristics that distinguish it from similar
22 facilities that are subject to licensure, including, but not limited
23 to, community care facilities and alcoholism and drug treatment
24 facilities:

25 (a) ~~Residents of the facility, including live-in managers,~~
26 ~~operators, or owners, are recovering from alcohol or drug abuse.~~

27 (b) ~~Residents actively participate in legitimate programs,~~
28 ~~including, but not limited to, Alcoholics Anonymous or Narcotics~~
29 ~~Anonymous programs, and maintain current records of meeting~~
30 ~~attendance. These records shall be made available for inspection~~
31 ~~upon the request of a law or code enforcement officer.~~

32 (c) ~~Owners, managers, operators, and residents shall observe~~
33 ~~and promote a zero tolerance policy regarding the consumption or~~
34 ~~possession of alcohol or controlled substances, except for~~
35 ~~prescription medications obtained and used under direct medical~~
36 ~~supervision.~~

37 (d) ~~Residents submit to mandatory random alcohol or drug~~
38 ~~testing, or both, which is conducted onsite by managers or~~
39 ~~operators, or by peer leaders in self-governed homes. Testing~~
40 ~~records shall be current and maintained onsite, and shall be made~~

1 available for inspection upon the request of a law or code
2 enforcement officer.

3 (e) ~~Owners, managers, operators, and residents do not provide~~
4 ~~onsite any of the following services, as they are defined in~~
5 ~~paragraph (6) of subdivision (a) of Section 10501 of Title 9 of the~~
6 ~~California Code of Regulations:~~

7 (1) ~~Detoxification.~~

8 (2) ~~Educational counseling.~~

9 (3) ~~Individual or group counseling sessions.~~

10 (4) ~~Treatment or recovery planning.~~

11 (f) ~~The number of residents who are subject to the sex offender~~
12 ~~registration requirements of Section 290 of the Penal Code does~~
13 ~~not exceed the limit set forth in Section 3003.5 of the Penal Code~~
14 ~~and does not violate the distance provisions set forth in Section~~
15 ~~3003 of the Penal Code.~~

16 (g) ~~No resident requires nonmedical care or supervision, as~~
17 ~~those terms are defined in Section 1503.5 and paragraph (3) of~~
18 ~~subdivision (a) of Section 80001 of Title 22 of the California Code~~
19 ~~of Regulations.~~

20 (h) ~~Residents are responsible for their own meals. Owners,~~
21 ~~managers, or operators do not provide food services to residents.~~

22 (i) ~~Owners, managers, operators, and residents ensure that the~~
23 ~~property and its use comply with applicable state and local law.~~

24 SEC. 2. This act shall become operative only if Senate Bill
25 992 is enacted and takes effect on or before January 1, 2008.